

**Planning & Zoning Commission Meeting
County Administrative Offices, Duchesne, Utah
April 1, 2015 - 5:00 p.m.**

In Attendance were:

Ken Moon, Planning Commission, Chairman
Kathy Giles, Planning Commission
John Jorgensen, Planning Commission
Allen Lindsay, Planning Commission
Brad Wells, Planning Commission
Bobby Drake, Planning Commission
Mike Hyde, Community Development Administrator
CoraLee Sanchez, Planning Secretary

Visitors:

Kenn Bird	JRJ Service-CUP
Cris Bird	JRJ Service-CUP
Debra Lindsay	
Russell Sorenson	JRJ Service-CUP
Randy Toon	Mesa Development
Nathan Coulter	Mesa Development

Chairman Moon opened the meeting at 5:00 pm and read the rules of order. He asked if any of the Planning Commission members had any ex-parte contacts or conflicts of interest associated with any item on the agenda. Commissioner Lindsay stated he has had some conversation with Mr. Toon and he has purchased gravel from JRJ Service from the pit they currently are operating but does not feel there will be any bias in either of the decisions. No one in the audience had any objections to Commissioner Lindsay participating in the public hearings.

PUBLIC HEARINGS:

- A. Request by Mesa Development, Inc. for a Conditional Use Permit to construct a recreational vehicle park. The northerly portion of the RV Park is located at 23791 W Highway 35. The southerly portion of the RV Park is located on lots 21-23 of the River View Estates Subdivision, along the Duchesne River, in the Utahn area northwest of Duchesne.**

Mr. Hyde referred the commission to their packets including the site plans for both RV parks and some site and aerial photos. He stated Mesa Development owns a 4.57-acre parcel on the south side of Highway 35, just east of the Duchesne River Bridge. An illegal RV Park has existed on this parcel since 2013, when the property was owned by

Randy Toon. This RV Park has been the subject of code enforcement action by the County. If the conditional use permit is granted, this land use, known as the "Mesa RV Park" on the site plan, will become a legal, permitted use. The plan shows three RV spaces, with a potential for five spaces in the future. On March 13, 2015, there were two RVs present at this location.

Mesa Development also co-owns abutting lots 21, 22 and 23 of the River View Estates Subdivision (jointly with Randy and Robin Toon). The applicants are seeking approval of the "Riveride RV Park" at this location, with nine RV spaces shown and space for growth. The applicants have started construction and moved RV units onto the property prior to obtaining a conditional use permit. On March 13, 2015, there were three RVs at this location and three "park model" units, for a total of six dwelling units. Mr. Hyde stated along with the Conditional Use Permit application, they will need a variance to some of the RV standards.

The subject properties are zoned A-5, Agricultural. The county zoning ordinance states that RV parks are a conditionally permitted use in the A-5 zone.

After reviewing the staff report, Mr. Hyde recommended approval of the Conditional Use Permit for Mesa Development, including a variance to allow dwelling units other than RVs, subject to the following conditions:

1. Prior to moving any additional RVs or park model units into either section of the RV Park, the applicants shall:
 - a. Resolve any compliance issues with the US Army Corps of Engineers and Utah Division of Water Resources regarding fill placed along the Duchesne River bank.
 - b. Resolve any compliance issues with the Utah DEQ Division of Water Quality regarding disturbance of land without a storm water permit.
 - c. Construct the required driveway approach to the Mesa RV Park from Highway 35 in accordance with UDOT standards set forth in a UDOT access permit.
 - d. Comply with the plans approved by the TriCounty Health Department for the Mesa RV Park by moving the RV off Space #4.
 - e. Comply with the plans approved by the TriCounty Health Department for the Riveride RV Park by reducing the number of units on Pad C from four to three and by either moving the second unit off Pad B or decreasing the number of units on Pad A from two to one.
 - f. Complete installation of fire protection facilities approved by the Duchesne County Fire and Emergency Management Director. A "dry hydrant" using water from the adjacent Duchesne River may be utilized. If this alternative is selected, the applicants will need a permit from the Utah Division of Water Resources to install such a hydrant in the river

and install a sign at the hydrant noting that the water is for emergency (fire-fighting) use only.

- g. Complete installation of trees and appropriate irrigation facilities, as shown on the site plan.
 - h. Complete installation of all RV Pads and utility improvements shown on the site plan. Electrical and plumbing permits shall be obtained from the Duchesne County Building Department prior to installation of the utilities.
 - i. Complete installation of the access roads (18' wide for one-way roads and 24' wide for two-way roads) and receive approval from the Duchesne County Fire Department.
 - j. Complete installation of directional and one-way road signage to clearly identify the entrance to the park sections and the direction of travel.
 - k. Install a six foot tall fence along the north side of the Mesa RV Park and along the north and south boundaries of the Riverside RV Park.
 - l. Provide solid waste disposal facilities to serve each RV space.
 - m. Complete documents with the Utah State Tax Commission for the collection of transient room tax and submit evidence of completion to the County.
 - n. Obtain Duchesne County business licenses for the two RV Parks.
- 2. If the applicants are unable to complete all of the site improvements required in Condition #1 above prior to moving additional units onto the property, the applicant will be allowed to post financial surety in an amount of 110% of an engineer or contractor's estimate to complete such improvements within six months.
 - 3. Since there is no restroom building, RVs with no toilet facilities shall not be allowed in the park.
 - 4. The applicants shall obtain approval of all water and wastewater facilities from the TriCounty Health Department before occupancy of the RV spaces or pads served by such facilities.

Mr. Hyde asked if there were any questions of the staff report. There were none so Chairman Moon invited the applicant to speak.

Nathan Coulter, the applicant and property owner, stated how excited he is to bring this project to the county and the enjoyment of the visitors to this area. Mr. Coulter referred the commission to a letter he wrote to Mr. Hyde and some concerns he has about the county's involvement with items 1-a,b,c and m that require state approval and should not be a condition of approval for this permit. The permits have been applied for with the Army Corps of Engineers and the Utah DEQ offices. Mr. Coulter does not have a problem

constructing the driveway and getting the access permit from UDOT but he also does not want to hold up the project either and asked for an extension on the time limit for that condition. As for m, if they stay less than 30 days they will address that with the State Tax Commission. They are hoping this is a long term facility. The applicant has indicated they are in the process of purchasing lot 20 so fencing along the north line should not be a requirement. Mr. Coulter asked the commission if there were any questions.

Commissioner Drake asked when the purchase of lot 20 would be finalized. Mr. Coulter replied by the end of May.

There was some discussion about the DEQ permits and the fencing requirements and their boundaries.

Mr. Coulter thanked Mr. Hyde for his service and introduced Mr. Randy Toon.

Mr. Toon stated the roads are 25 feet wide and he is doing the reclamation work. As for the Corps of Engineers and the DEQ permits, he is working on those plans. That was my ignorance he stayed out of the water but was unaware that he could not move the river banks. As for the fencing Mr. Toon stated there is nothing on the south side to be concerned with and with the purchase of lot 20, if they just do a barb wire fence he will keep the trash picked up.

The planning commission had a discussion about their concerns on possible trespassing and keeping children safe from both the highway and the river and the need for adequate fencing.

Commissioner Giles asked Mr. Toon about their Tri County Health permits. He replied they do have Tri County Health approval but are working on a couple of adjustments, including 2 more wells and another septic system.

Commissioner Drake asked Mr. Toon about their fire protection. Mr. Toon knew they would have to work with the fire marshal on the access roads and the installation of any fire hydrants they will require.

Chairman Moon asked if there were any other questions. There were none and with no one in the audience to speak either in favor of or in opposition, the public hearing was closed.

Commissioner Jorgensen motioned to approve the applicant's request subject to the conditions stated in the staff report. Commissioner Drake motioned to amend the conditions to not require fencing at the Riverside RV Park, as follows: Commissioner Lindsay seconded the amended motion.

1. Prior to moving any additional RVs or park model units into the applicable sections of the RV Parks, the applicants shall:

- a. Resolve any compliance issues with the US Army Corps of Engineers and Utah Division of Water Resources regarding fill placed along the Duchesne River bank.
- b. Resolve any compliance issues with the Utah DEQ Division of Water Quality regarding disturbance of land without a storm water permit.
- c. Construct the required driveway approach to the Mesa RV Park from Highway 35 in accordance with UDOT standards set forth in a UDOT access permit.
- d. Comply with the plans approved by the TriCounty Health Department for the Mesa RV Park by moving the RV off Space #4.
- e. Comply with the plans approved by the TriCounty Health Department for the Riveride RV Park by reducing the number of units on Pad C from four to three and by either moving the second unit off Pad B or decreasing the number of units on Pad A from two to one.
- f. Complete installation of fire protection facilities approved by the Duchesne County Fire and Emergency Management Director. A “dry hydrant” using water from the adjacent Duchesne River may be utilized. If this alternative is selected, the applicants will need a permit from the Utah Division of Water Resources to install such a hydrant in the river and install a sign at the hydrant noting that the water is for emergency (fire-fighting) use only.
- g. Complete installation of trees and appropriate irrigation facilities, as shown on the site plan.
- h. Complete installation of all RV Pads and utility improvements shown on the site plan. Electrical and plumbing permits shall be obtained from the Duchesne County Building Department prior to installation of the utilities.
- i. Complete installation of the access roads (18’ wide for one-way roads and 24’ wide for two-way roads) and receive approval from the Duchesne County Fire Department.
- j. Complete installation of directional and one-way road signage to clearly identify the entrance to the park sections and the direction of travel.
- k. Install a six foot tall fence along the north side of the Mesa RV Park.
- l. Provide solid waste disposal facilities to serve each RV space.
- m. If short term rentals (less than monthly) are proposed, complete documents with the Utah State Tax Commission for the collection of transient room tax and submit evidence of completion to the County.
- n. Obtain Duchesne County business licenses for the two RV Parks.

2. If the applicants are unable to complete all of the site improvements required in Condition #1 above prior to moving additional units onto the property, the applicant will be allowed to post financial surety in an amount of 110% of an engineer or contractor's estimate to complete such improvements within six months.
3. Since there is no restroom building, RVs with no toilet facilities shall not be allowed in the park.
4. The applicants shall obtain approval of all water and wastewater facilities from the TriCounty Health Department before occupancy of the RV spaces or pads served by such facilities.

The motion passed unanimously.

B. Request by JRJ Service, Inc. for a Conditional Use Permit to locate a gravel pit and rock crusher on a portion of a 160-acre parcel owned by Colony Partners LLC and the Ciel Investment Company, located between Highway 87 and the Duchesne River, between 4000 and 4500 South, on the Blue Bench north of Duchesne.

Mr. Hyde referred the commission to their packets and some site and aerial photos and stated that JRJ Service, Inc. is applying for this permit to authorize a gravel pit, with rock crushing, on a portion of the north half of a 160-acre site located on the Blue Bench, which is owned by Colony Partners, LLC and Ciel Investment Company. A conditional use permit for a gravel pit was issued for this same property on June 5, 2013; however, the permit was not activated within the initial 18-month period, as required by the zoning ordinance. Extraction of earth products is a conditionally permitted use in the A-5 zone. It is anticipated that rock from this location will be used for a variety of construction activities, including oil well pads and roads.

Some criteria for approval includes:

- 1. The proposed use at the proposed location will not be unduly detrimental or injurious to property or improvements in the vicinity, and will not be detrimental to the public health, safety or general welfare.**

Mr. Hyde explained with the extraction of earth products it can be detrimental in terms of noise and dust during operations. Surface disturbance results in noise from operation of equipment, windblown dust and dust from equipment movement. However, if the applicant and operators comply with dust and noise standards, the proposal is less likely to be injurious to public health, safety or welfare.

Detrimental impacts can also occur if the extraction area is not reclaimed properly. The county has "material pit finishing" standards that should prevent the applicant/operator from leaving eyesore or hazardous conditions when mining is completed.

Detrimental impacts can occur if excavation results in sedimentation of waterways. Such protections are afforded through the DEQ industrial storm water permit process,

which needs to be used in this case as the Duchesne River lies downhill to the west of this property.

According to maps prepared by the Utah Division of Drinking Water, the property does not lie within any drinking water source protection zones.

Rock extraction activity and the associated heavy hauling may be detrimental to public improvements in the vicinity; especially the county roads. In this case, access from the gravel pit to Highway 87 would be from a private oil well road. Approval of the proposed change of use of the access point to Highway 87 must be approved by UDOT Region 3 before construction of the pit access road and road approach begins.

The county Nuisance Ordinance sets forth time limits during which noise is permitted (7:00 AM to 9:30 PM on weekdays, 8:00 AM to 9:30 PM on Saturdays and 9:00 AM to 9:30 PM on Sundays and holidays). Such time limits should be applied in this case if noise complaints are received by the county.

There is a gas pipeline, in a 50-foot wide easement, running through the proposed gravel pit area as shown on a survey prepared by Bromac Land Surveying dated November 21, 2012. The applicant will need to coordinate with the owner of this pipeline to ensure that their requirements for crossing or mining near the pipeline are met.

2. The proposed use will be located and conducted in compliance with the goals and policies of the county general plan and the purposes of this title.

The Duchesne County General Plan contains the following statements with respect to mining activities: *"Today, extractive-use industries: livestock, timber, mining, and oil; remain the backbone of the region's economy. The County continues to encourage and support these industries, acknowledging that industry patterns, fluctuating markets, and changing political winds predict periodic good times followed by lean."*

In this case, the applicants intend to use the rock products to support the construction and energy industries, which is beneficial to the economy of the county and in compliance with the general plan.

If the applicant meets the Conditional Use permit criteria and complies with the conditions of approval, the purposes of the Zoning Ordinance will be met.

3. That the property on which the use, building or other structure is proposed is of adequate size and dimensions to permit the conduct of the use in such a manner that will not be materially detrimental to adjoining and surrounding properties.

Mr. Hyde stated the proposed mining would take place on a portion of the north half of the subject 160-acre site, estimated at about 50 acres, which is certainly large enough to accommodate the proposed use. The applicants are required to set the mining areas back at least 50 feet from the property lines to provide adequate space for a transitional slope between natural grade and the finished pit level. The applicants are also required to set the mining area back 660 from existing homes. The anticipated conditions of

approval, if adhered to, will enable the use to be conducted in a manner that will not be materially detrimental to adjoining and surrounding properties.

Some additional conditions are as follows:

- A. Dust Free Condition:** Must be maintained in a near dust free condition. A dust control plan shall be provided by the applicant to the county, the Tri-County health department and the state DEQ that contains an inventory of dust control equipment and procedures that will be utilized at the site and a documented source of adequate water. Rock crushers shall have a DEQ air quality permit in effect during operation, with a copy of such permit provided to the county, unless the crusher is considered exempt from permit requirements by the Utah DEQ. Watering or applying chemical treatments to active pit areas and driving surfaces during times of operation is considered maintaining a near dust free condition.

Mr. Hyde stated a dust control plan must be presented by the applicant or authorized agent to the TriCounty Health Department and Utah DEQ for approval prior to operations beginning. The applicant or authorized agent must follow this plan to control dust at active pit areas and driving surfaces. With extraction of rock, haul roads between the quarry and the nearest paved road can generate dust and heavy truck traffic that can be a nuisance for nearby dwellings. In this case, there are no dwellings in close proximity to the gravel pit and haul road. However, the dust control plan must demonstrate that dust at the pit and along the haul road can be controlled.

- B. Bond Required:** A bond shall be issued in the amount of five thousand dollars (\$5,000.00) for the first acre, and three thousand dollars (\$3,000.00) for each additional acre from which such material is taken as a guarantee of reconditioning. The number of acres must be specified on the conditional use permit and cannot be enlarged or modified until the issue is re-presented to the planning commission for a new conditional use permit and the enlargement or modification is approved. This bonding requirement may be waived in writing by the property owner but such waiver does not waive the reconditioning requirements.

Mr. Hyde indicated the bonding requirement has been waived by the property owner by letter dated March 10, 2015. The applicant understands that reclamation must occur in accordance with the standards below.

- C. Reconditioning:** Reconditioning, in a manner agreed to by the county, the property owner and the applicant, to assure the surrounding property is protected along with the beauty of the landscape. Guidelines known as the *Material Pit Finishing Standards* on file at the County Planning Department are suggested for use in reclamation planning;

The “Material Pit Finishing Standards” are used by the County to determine how reconditioning is to be accomplished. The applicant and authorized agents shall be subject to these standards. During operations, the property shall be maintained in a condition that is not hazardous, with any hazardous areas being signed and fenced or bermed.

- D. Distance Requirement for Gravel Pits and Rock Crushing Operations:** Rock crushing operations must be a minimum of one thousand three hundred twenty feet (1,320') from any city, town or residential use, measured from the center of the crusher location. In addition, the gravel pit boundary shall be set back 660 feet from the edge of the proposed disturbed area to the closest city or town boundary line, the closest point of a residential, educational, public, religious or commercial structure or the closest point on the boundary of an enclosed area of a concentrated livestock facility. In addition, the proposed disturbed area or gravel pit boundary shall be set back at least 50 feet from a property line. The setback requirements may be waived in writing by the owner(s) of land within the setback area if such owner(s) consent to a lesser distance. These setback requirements do not apply to land uses owned and occupied by the owner(s) of the same parcel on which the extraction of earth products would occur.

Mr. Hyde stated the distance requirements of this section will be met. The proposed gravel pit boundaries must be set back at least 50 feet from the property line to meet the minimum standard of the ordinance. The gravel pit boundary will be set back 660 feet from the nearest homes as shown on the aerial photo attached. The rock crusher location will meet the ¼ mile setback requirement (from a dwelling or city limit line) as demonstrated by the aerial photo attached. The only home that is within ¼ mile of the boundaries of the subject parcel is located to the southeast, between the parcel and Highway 87. None of the existing homes are located within ¼ mile of the portion of the property proposed for mining and rock crushing.

Mr. Hyde recommends approval of the Conditional Use Permit requested by JRJ Service, Inc., for extraction of earth products, subject to the following conditions:

1. Owners or their authorized agent(s) shall control dust and noise so neither becomes a nuisance.
 - a. A dust control plan approved by the TriCounty Health Department and Utah DEQ shall be obtained prior to starting excavation and implemented throughout the course of the operations by the owners or authorized agents. Dust control agents shall be applied at active portions of the site and on gravel access roads between the site and the nearest paved road during periods of hauling.
 - b. If noise complaints are received by the county, owners and their authorized agents shall comply with the following hours of crusher operation: (7:00 AM to 9:30 PM on weekdays, 8:00 AM to 9:30 PM on Saturdays and 9:00 AM to 9:30 PM on Sundays and holidays).
2. Owner(s) or their authorized agents shall reclaim the property in accordance with the county's "Material Pit Finishing Standards" and protect the public from any hazardous conditions on the site by signage and/or fencing. Mining areas shall be set back at least 50 feet from the property lines.

3. A DEQ Air Quality permit shall be obtained for the crusher and a copy provided to the County prior to the start of crushing operations.
4. Before starting excavation at the site, the applicants shall obtain an industrial stormwater permit from the Utah Department of Environmental Quality.
5. The proposed access point to Highway 87 must be approved by UDOT Region 3 before construction of the pit access road and road approach begins.
6. The applicant shall coordinate with the owner of the gas pipeline crossing the property to ensure that their requirements for crossing or mining near the pipeline are met.

Mr. Hyde stated our office had one call from a property owner who had granted an access to EP Energy only and would not allow the applicant to use that right of way. He also noted there is a gas line marked on the ground that they will need to work around.

Mr. Hyde asked if there were any questions of the staff report. There were none so Commissioner Moon invited the applicant to speak.

Cris Bird, the applicant and representative of JRJ Service, stated they currently operate a pit just south of this location but are running out of product and want to secure another source. For now there will not be a crusher on site and they are going to screen landscape rocks until their location is mined out. JRJ has contacted Walter Plumb to secure an access road to Highway 87 and will be working with EP for their oil and gas locations.

Commissioner Wells asked Ms. Bird if they are just screening rocks will they still keep the dust under control and abide by the conditions of approval. Ms. Bird stated they have no problem with the conditions.

Russell Sorenson stated he was working with JRJ to acquire multiple access routes.

Commissioner Moon asked if there were any other questions or comments. There were none so the Public Hearing was closed.

Commissioner Drake motioned to approve the Conditional Use Permit requested by JRJ Service, Inc., for extraction of earth products, subject to the conditions stated in the staff report. Commissioner Jorgensen seconded the motion and it passed unanimously.

NEW BUSINESS:

None

Minutes: Approval of March 4, 2015 minutes:

Commissioner Wells moved to approve the minutes of March 4, 2015.
Commissioner Drake seconded the motion and it passed unanimously.

Commission Comments and Staff Information Items:

Mr. Hyde updated the commission on the Nelson appeal and stated the County Commissioners upheld the Planning Commission decision. Mr. Arnold now has 30 days to appeal the County Commission decision.

The deadline for the Rasmussen CUP is approaching on April 30. Mr. Rasmussen has indicated he is still waiting for the surveyor. As of now there is nothing for the May meeting but there is still time to apply.

Adjournment:

Meeting adjourned at 5:45 p.m.